

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

SUE MI TERRY,

*Defendant.*

24 Cr. 427 (LGS)

**DECLARATION OF  
NICHOLAS J. LEWIN IN  
SUPPORT OF PRETRIAL  
MOTIONS**

I, Nicholas J. Lewin, do hereby state and declare as follows:

1. I am a partner at the law firm of Krieger Lewin LLP, counsel for Defendant Dr. Sue Mi Terry. I make this declaration, on personal knowledge, in support of Dr. Terry's Pretrial Motions.

2. In accordance with Local Criminal Rule 16.1, I certify that the defense has conferred with the government in a good faith effort to resolve by agreement the issues raised in the bill of particulars motion. The parties have thus far been unable to resolve these issues by agreement.


3. An August 2023 search warrant affidavit that was produced in discovery includes references to Dr. Terry engaging in fact gathering from a South Korean MFA source and then incorporating some of those facts into her journalistic work. This alleged interaction is also cited in the Indictment. *See* Ind. ¶¶ 48–49.

4. In the same August 2023 search warrant affidavit, the government cited to a report from a human source who stated that Dr. Terry was paid by the South Korean government to write a magazine article. Based on information and belief, this human source is unreliable and

the report is erroneous. This alleged statement by this unreliable human source also appears in the Indictment. *See* Ind. ¶ 13.

5. On September 20, 2024 and November 1, 2024, the government made productions of unclassified discovery that include hundreds of audio files. The metadata accompanying these audio files indicates that they were collected pursuant to the Foreign Intelligence Surveillance Act of 1978 (“FISA”), as amended, 50 U.S.C. §§ 1801–1812 and 1821–1829, in or around 2023—roughly three years after the first search warrant was issued in this matter.

New York, NY  
February 26, 2025

By:   
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Nicholas J. Lewin  
KRIEGER LEWIN LLP